

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Amendment of Section 73.622(b)
Table of Allotments,
Digital Television Broadcast Stations
(Lufkin, Texas)

MM Docket No. 01-245
RM-10235

To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

COMMENTS OF CIVIC LICENSE HOLDING CO., INC.

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November 13, 2001

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FILE

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SUMMARY

Civic License Holding Company, Inc. (“Civic”), licensee of KTRE(TV), Lufkin, Texas (“KTRE”), respectfully submits these comments in support of the *Notice of Proposed Rule Making* (“*Notice*”) proposing to amend Section 73.622(b), the DTV Table of Allotments, by substituting Channel 11 as KTRE’s paired DTV allocation for the transition period in lieu of Channel 43, as originally allotted. KTRE-DT has identified Channel 11 as offering improved signal coverage for viewers and permitting more efficient operation. Significantly, the new channel will reduce potential tower structural loading problems and permit the station to transmit digitally from its existing tower, thereby hastening KTRE’s commencement of DTV service.

Civic intends to construct and operate Station KTRE-DT on Channel 11, as proposed. Upon approval of the channel change, Civic will commence efforts to obtain authorization to construct KTRE-DT. Proposed operation of KTRE-DT on Channel 11 complies with the Commission’s rules and will not impermissibly impact any full power or Class A television station. Although Channel 11 operation is predicted to displace KIBN-LP, a low power television (“LPTV”) station serving Lufkin, Texas, displacement of secondary LPTV stations due to DTV channel changes is authorized under the Commission’s rules. Unlike a number of these LPTV stations that have terminated service altogether, KIBN-LP can continue its broadcast operations on Channel 14.

Accordingly, grant of the proposed channel substitution will achieve an efficient use of the broadcast spectrum, expedite the commencement of KTRE-DT’s service to the public, improve signal coverage, and, so long as KIBN-LP relocates to the specified replacement channel, preserves programming services.

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COMMENTS OF CIVIC LICENSE HOLDING CO., INC.

Civic License Holding Company, Inc. ("Civic"), licensee of KTRE(TV), Lufkin, Texas ("KTRE"), by its attorneys and pursuant to Section 1.415 of the Commission's Rules (47 C.F.R. § 1.415), hereby respectfully submits these comments regarding the above-captioned *Notice of Proposed Rule Making* ("Notice") released by the Commission on September 19, 2001. The *Notice* seeks comment on Civic's request, as set forth in its *Petition for Rule Making* filed May 1, 2000 ("Petition"), that the Commission amend Section 73.622(b), the DTV Table of Allotments, by substituting Channel 11 as the station's paired DTV allocation for the transition period in lieu of Channel 43, as originally allotted. By these comments, Civic confirms its continuing interest in the channel change and requests that the Commission grant the proposed amendment to the DTV Table of Allotments in light of the resulting public interest benefits.

The Commission has mandated that all full-power television stations convert to digital and has assigned stations a paired channel for their "DTV" broadcasts. Digital television offers broadcasters exciting opportunities, but stations in small markets face construction burdens not equally shared by larger market broadcasters. To best meet the challenging demands of the

Commission's implementation of digital television, KTRE-DT has identified the proposed alternate DTV channel as offering improved signal coverage for viewers and permitting more efficient operation. Significantly, the new channel will reduce potential tower structural loading problems and permit the station to transmit digitally from its existing tower, thereby hastening KTRE's commencement of DTV service.

Civic intends to construct and operate Station KTRE-DT on Channel 11, as proposed. Upon approval of the channel change, Civic will commence efforts to obtain authorization to construct KTRE-DT. Proposed operation of KTRE-DT on Channel 11 complies with the Commission's rules and will not impermissibly impact any full power or Class A television station. Channel 11 operation is predicted to displace KIBN-LP, a low power television ("LPTV") station serving Lufkin, Texas, but displacement of secondary LPTV stations due to DTV channel changes is authorized under the Commission's rules. The Commission's implementation of digital television has displaced numerous LPTV stations. For example, operation of KTRE-DT on its currently assigned Channel 43 is predicted to displace KLNLM-LP, an LPTV station serving Lufkin, Texas. Unlike a number of these LPTV stations that have terminated service altogether, however, KIBN-LP can continue broadcasting by operating on an available alternative channel. Accordingly, the proposed KTRE-DT channel substitution will serve the public interest by hastening the implementation of DTV while preserving the service of KIBN-LP.

I. THE DTV TRANSITION.

The FCC is requiring existing full-power television stations to convert from analog to digital broadcasting. DTV promises to provide viewers with enhanced features such as super-high quality audio and video as well as multicast television programming. The conversion of the

nation's television stations to digital, however, is a tremendous task. Broadcasters must construct all new digital stations at their own expense with costs often reaching millions of dollars. To avoid loss of service to viewers, the FCC is requiring stations to broadcast both in analog on their existing channel and in digital on a new channel for the duration of the DTV transition period.

At the time that the Commission assigned stations these second channels for digital broadcasting, it promised broadcasters the flexibility to develop alternate allotment proposals in recognition of the intricacies of DTV operations and the need for stations to maximize service efficiently.¹ In response, at least 141 stations have proposed alternative DTV channels, finding that the new channels would facilitate their construction of DTV facilities and expedite the DTV transition.²

To have enough spectrum to assign a second channel to all full power television stations, the FCC determined that it would need to displace many LPTV and translator stations.³ The FCC stated in April 1999, "We estimate that about 35 to 45 percent of the LPTV stations will have to either change their operation or cease operation to protect DTV service,"⁴ a percentage that translates into nearly 2,000 LPTV stations.⁵ The FCC's decision to give priority to DTV

¹ Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service, *Sixth Report and Order*, 12 FCC Rcd 14588, ¶ 172 (1997) ("*Sixth Report and Order*").

² The Commission's web site lists the proposed channel changes. See Federal Communications Commission, *Petitions to Change DTV Channels* (visited Nov. 13, 2001) <<http://www.fcc.gov/mmb/vsd/files/dtvchan.html>>.

³ *Sixth Report and Order* at ¶ 141.

⁴ Federal Communications Commission, *TV Translators and the DTV Transition* (visited Nov. 13, 2001) <<http://www.fcc.gov/oet/faqs/dtv-tvtx.html>>.

⁵ See Broadcast Station Totals as of March 31, 1999, 1999 FCC Lexis 1534 (April 12, 1999).

stations is consistent with its longstanding policy that LPTV service is secondary to full-power broadcast service:

From its creation by the Commission in 1982, the low power television service has been a “secondary spectrum priority” service whose members “may not cause objectionable interference to existing full-service stations, and . . . must yield to facilities increases of existing full-service stations or to new full-service stations where interference occurs.”⁶

In implementing digital television, the Commission consistently has affirmed the secondary status of LPTV and TV translator stations⁷ in accordance with the clear priorities in implementing this novel and critical service:

As secondary operations, low power stations must give way to new operations by primary users of the spectrum, including in this case new full service DTV stations operated by existing broadcasters under our DTV implementation plan. While we recognize the important services low power stations provide, we must ensure that our goals for the implementation of DTV are achieved before taking any additional steps to minimize the impact on these secondary operations.⁸

These policies apply to DTV channel change proceedings with equal force. The Commission’s rules state that changes in the DTV Table of Allotments may be made “without regard to existing

⁶ In the Matter of Establishment of a Class A Television Service, *Memorandum Opinion and Order on Reconsideration*, FCC 01-123, MM Docket No. 00-10, ¶ 2 (April 13, 2001) (citing *An Inquiry into the Future Role of Low Power Television Broadcasting and Television Translators in the National Telecommunications System*, *Report and Order*, 51 R.R. 2d 476, 486 (1982)) (emphasis added).

⁷ *Sixth Report and Order* at ¶ 141; *Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service*, *Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order*, 13 FCC Rcd 7418, ¶ 106 (1998) (“*MO&O on Reconsideration of Sixth Report and Order*”); *Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service*, MM Docket No. 87-268, *Second Memorandum Opinion and Order on Reconsideration of the Fifth and Sixth Report and Orders*, 14 FCC Rcd 1348, ¶ 88 (1998) (“*Second MO&O on Reconsideration of Fifth and Sixth Report and Orders*”).

⁸ *MO&O on Reconsideration of Sixth Report and Order* at ¶ 106 (emphasis added).

or proposed low power TV or TV translator stations.”⁹ Given the extensive displacement of LPTV stations, the Commission adopted a number of procedural and technical measures designed to mitigate LPTV hardship.¹⁰ Nonetheless, displaced LPTV stations must relocate to other channels at their own expense, much like broadcasters must convert to DTV at their own expense.¹¹ While broadcasters are not required to compensate LPTV stations, the Commission encouraged broadcasters to coordinate their DTV construction schedules with affected LPTV stations.¹²

Because of the extensive displacement of LPTV stations, Congress and the Commission implemented measures to provide some relief to LPTV stations. Congress passed the Community Broadcasters Protection Act of 1999 (“CBPA”)¹³ which afforded “Class A” status to LPTV stations that met the statutory criteria and complied with procedural requirements. Under the CBPA, these Class A stations have primary status and therefore have interference protection

⁹ 47 C.F.R. § 74.702(b). *See* Amendment of Section 73.622(b) Table of Allotments Digital Television Broadcast Stations (Salt Lake City, Ogden and Provo, Utah), *Report and Order*, 15 FCC Rcd 10568 (2000); Amendment of Section 73.622(b) Table of Allotments Digital Television Broadcast Stations (Richmond, Virginia), *Report and Order*, 15 FCC Rcd 23770 (2000).

¹⁰ Reallocation of Television Channels 60-69, The 746-806 MHz Band, *Report and Order*, 12 FCC Rcd 22953, ¶ 25 (1998) (stating that the Commission “adopted a number of rule changes in the *DTV Proceeding* to mitigate the impact on these stations” including permitting LPTV stations that are displaced by new DTV stations to apply for replacement channels and changes to the technical rules). *See Sixth Report and Order* at ¶¶ 142, 144-145 (e.g., adopting channel displacement relief for LPTV stations, deleting taboo restrictions on the use of a channel seven channels below or fourteen channels above the channel of another LPTV station, permitting LPTV and translator stations to agree to accept interference).

¹¹ *See MO&O on Reconsideration of Sixth Report and Order* at ¶ 127 (“We do not believe that it is appropriate to require broadcasters to implement DTV and at the same time require them to compensate secondary low power stations that are affected by this required implementation.”).

¹² *Id.* at ¶ 119.

¹³ Community Broadcasters Protection Act of 1999, Pub. L. No. 106-113, 113 Stat. Appendix I at pp. 1501A-594 – 1501A-598 (1999), *codified at* 47 U.S.C. § 336(f) (“CBPA”).

from other full-power stations, subject to certain conditions.¹⁴ LPTV stations that did not meet Class A qualifications cannot avail themselves of that protection and must be treated as secondary to full service stations.

II. THE KTRE-DT CHANNEL CHANGE WILL HASTEN COMMENCEMENT OF DTV SERVICE.

The proposed KTRE-DT channel change will facilitate the station's efforts to commence digital operations and provide viewers in the local communities with new digital service. At the same time, KTRE, like many small market stations, is concerned about the disproportionate burden of delivering these new services. The Tyler-Longview, Texas DMA, which KTRE serves, is ranked 108th in the United States.¹⁵ The Commission has recognized the unique difficulties faced by small-market broadcasters and implemented certain rules and policies to assist small market stations in coping with the DTV transition.¹⁶ Accordingly, KTRE, like many stations, sought an alternative DTV channel that might allow for improved service and operating efficiencies, and identified Channel 11 as the best allotment for hastening the commencement of DTV service.

¹⁴ See *In the Matter of Establishment of a Class A Television Service, Memorandum Opinion and Order on Reconsideration*, FCC 01-123, MM Docket No. 00-10, ¶ 1 (April 13, 2001). For example, the BPA does not require broadcasters that seek to maximize power under the Commission's rules to protect Class A stations. See CBPA.

¹⁵ BROADCASTING & CABLE YEARBOOK 2001, B-235 (2001).

¹⁶ For example, the Commission adopted a staggered DTV construction schedule in which the larger market stations would lead the way in the DTV transition (*Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service, Fifth Report and Order*, 12 FCC Rcd 12809, ¶ 78 (1997) ("*Fifth Report and Order*")) and will extend the construction deadline for stations facing financial hardship (Federal Communications Commission News Release, "*FCC Acts to Expedite DTV Transition and Clarify DTV Build-Out Rules*" (rel. Nov. 8, 2001)).

A. The Proposed Channel Substitution Will Accelerate KTRE's DTV Conversion by Resolving Technical Problems and Improving Service to Viewers.

Grant of the proposed channel substitution will resolve specific technical problems in constructing DTV facilities and hasten the commencement of KTRE-DT's service. Operation on Channel 11 would allow KTRE to use a single antenna and transmission line for both the analog and digital stations, an arrangement not permitted if KTRE-DT operates with the initially allotted channel. The existing antenna structure from which KTRE broadcasts was designed for a single TV antenna and transmission line. By substituting Channel 11 for KTRE-DT, the station can continue using a single, dual-channel antenna and transmission line. Without the proposed channel change, Civic would be forced to use separate antennas and transmission lines to support analog and digital broadcasts. Moreover, the new VHF transmission antenna, which offers equivalent performance on any two VHF channels, would have less weight and wind-load than the current analog antenna. Accordingly, by operating on Channel 11, Civic can continue using the existing structure and avoid reinforcing the existing tower or constructing a new one.¹⁷ The Commission has identified the construction of new towers and the upgrade of existing ones as some of the "most significant issues in converting to digital broadcasting,"¹⁸ and has gone so far to establish a DTV Tower Strike Force.¹⁹ The proposed KTRE-DT channel substitution thus

¹⁷ A second tower would be rendered superfluous when the station resumes single channel operation.

¹⁸ *Fifth Report and Order* at ¶ 92.

¹⁹ The Commission said that the DTV Tower Strike Force would "aid local authorities and broadcasters by providing expedited answers to questions related to the process of assessing tower modification or construction and to facilitate the deliberations of reviewing entities" and thereby facilitate the transition to DTV. "*Commission Creates DTV Tower Strike Force to Target Potential Problems in Implementing Digital Television*," FCC News Report No. MM 98-6 (May 29, 1998).

would enable Civic to address these “most significant” issues and commence DTV broadcasts at least six months faster than if the station remains on its currently allotted channel.

Operation on the proposed Channel 11 also would improve signal coverage for viewers in the Tyler-Longview, Texas DMA, thus ensuring effective service replication. By broadcasting in analog and digital with a single, top-mounted VHF transmission antenna, the station can deliver virtually duplicative analog and digital service patterns, thereby offering a uniformity of reception not otherwise possible.²⁰ Furthermore, various industry DTV reception tests have shown that a higher percentage of viewers can reliably receive signals from stations broadcasting on high-band VHF channels than on UHF channels. The channel change proposal also would permit KTRE to reduce the impact of DTV build-out and operating costs through more efficient operations. Thus, grant of the channel substitution will serve the public by allowing for enhanced service and more efficient use of the broadcast spectrum.

The proposed amendment to the DTV Table of Allotments is in full compliance with the Commission’s rules. As demonstrated in the *Petition*, KTRE-DT’s proposed service area encompasses the community of license as required,²¹ and the proposed allotment parameters conform with the Commission’s *de minimis* interference standard.²²

Civic hereby reconfirms its desire and intent to construct and operate Station KTRE-DT on Channel 11 as proposed. Upon the Commission’s adoption of changes in the DTV Table of Allotments as described in the *Notice*, Civic promptly will commence efforts to obtain authorization to construct KTRE-DT on Channel 11 at the parameters proposed in the *Petition*

²⁰ Side-mounted UHF transmission antennas diminish the ability of those viewers located in areas on the opposite side of the tower to receive a replicated signal.

²¹ 47 C.F.R. §73.623(c)(1).

²² 47 C.F.R. §73.623(c)(2). *See Petition* at 2, Technical Exhibit.

and in accordance with applicable Commission rules and policies governing construction and commencement of operation.

B. KIBN-LP Can Continue Broadcast Service on Channel 14.

Grant of the KTRE-DT channel change will displace LPTV station KIBN-LP (Lufkin, Texas). Because KIBN-LP did not qualify for Class A status,²³ the LPTV station is treated as secondary and its existence does not prevent the substitution of a new DTV channel for a full-power television station.²⁴ KIBN-LP is not prejudiced by this displacement, however. The LPTV station can continue its operations on an alternative channel – specifically Channel 14 – and KIBN-LP’s programming service thus would be preserved. As demonstrated in the attached Technical Exhibit, KIBN-LP may relocate service to Channel 14 in full compliance with the Commission’s rules.²⁵ KIBN-LP may transmit from its existing tower and at its existing antenna height. The power levels suggested in the Technical Exhibit are not obligatory but demonstrate

²³ KIBN-LP did not file the required application by the July 12, 2001 deadline, and the Commission denied International Broadcasting Network’s extension request. *See* In the Matter of Establishment of a Class A Television Service, *Order*, MM Docket No. 00-10, DA 01-1730, ¶¶ 2, 4-5 (rel. Aug. 6, 2001). Even if KIBN-LP were a Class A station, Civic believes that under the CBPA KTRE-DT would not be required to protect KIBN-LP because KTRE-DT seeks to maximize power under the Commission’s rules, complied with the maximization notification and application requirements, and seeks the channel change to resolve technical problems. It should be noted that Civic filed the *Petition* prior to the May 1, 2000 deadline that Congress established in the CBPA for the submission of requests to modify DTV facilities, which was intended to provide low power stations with sufficient notification prior to the licensing of Class A stations.

²⁴ 47 C.F.R. § 74.702(b).

²⁵ Alternatively, IBN could relocate KIBN-LP to Channel 13 and relocate another of its licensed LPTV stations, KHTM-LP, to Channel 14. *See* Technical Exhibit (*attached* as Exhibit A). IBN also is the licensee of the following low power stations: KCTL-LP (Livingston, Texas); KHTM-LP (Lufkin, Texas); KHTX-LP (Huntsville, Texas); KHXL-LP (Huntsville, Texas); KLGW-LP (Longview, Texas); KLUF-LP (Lufkin, Texas); KNCD-LP (Nacogdoches, Texas); KTRC-LP (Crockett, Texas); and KWTC-LP (Kerrville, Texas).

that KIBN-LP actually can improve its service pattern. To claim this available channel, KIBN-LP need only file a displacement application, which the Commission would process promptly.²⁶

Civic identified this suitable replacement channel for KIBN-LP at its own expense and has attempted for some time to work with the LPTV station's licensee, International Broadcasting Network ("IBN"), to facilitate relocation.²⁷ In fact, Civic began discussions with IBN believing that KIBN-LP would qualify for Class A protection and accordingly was preparing for the possibility that it would be required to compensate KIBN-LP fully for relocating.²⁸ Pursuant to these efforts, Civic sought specific information from IBN about KIBN-LP's transmission and operating equipment so that it could determine the cost of relocation and identify any possible means for reducing that potential expense. IBN considered Civic's request to be invasive, apparently because KIBN-LP was unwilling to entertain the prospect of relocating to a different channel – notwithstanding its having accepted a license in a secondary service. Shortly thereafter, circumstances deteriorated and have never improved. Civic nonetheless continued to extend its offer to facilitate KIBN-LP's relocation and identified a substitute

²⁶ "If no other prior requests for that channel had been made within the same area and the application is acceptable for filing, the Commission would propose to grant the application. Assuming no negative comments or petitions to deny, the request would be granted at the end of the 30 day period." *MO&O on Reconsideration of Sixth Report and Order* at ¶ 97; *see also* 47 C.F.R. § 73.3572 (a)(4)(i).

²⁷ When Civic filed the *Petition*, it had not considered that the proposed channel change would displace KIBN-LP. As noted in Civic's supplemental filing, the Commission later notified Civic informally of the potential displacement. After that, Civic and IBN began discussions about KTRE-DT's channel change and KIBN-LP's relocation. Service of IBN technically was not required for a petition to amend the DTV Table of Allotments (*see* 47 C.F.R. § 1.401(d)), and, in any event, IBN was not prejudiced as it had ample notification well before the release of the *Notice* (*see* Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Farmington, Grass Valley, Jackson, Linden, Placerville and Fair Oaks, California, Carson City and Sun Valley, Nevada), *First Report and Order*, 10 FCC Rcd 9938, n.2 (M. M. Bur. 1995) (where compliance with Section 1.401(d) is required, the Commission will look to whether a party is prejudiced)). Civic has since provided IBN with copies of all documents it has filed with the Commission in this proceeding.

²⁸ Civic does not concede, however, that it would have been required to compensate KIBN-LP if the station had qualified for Class A status. *See supra* note 23.

channel for the station at its own expense. IBN, however, commenced a grassroots public relations campaign designed to thwart the KTRE-DT channel change, often distorting and inaccurately portraying the facts. Foremost in its campaign, IBN has been wrongly asserting that KIBN-LP “would be *forced off the air*” if the Commission grants the KTRE-DT channel change.²⁹

In its communications with Civic, IBN has made plain that it does not wish to operate KIBN-LP on another channel. Given the Commission’s rules regarding the priority of channel changes for full-power television stations, Civic cannot understand why IBN has refused to consider KIBN-LP’s relocation to an alternative channel. Indeed, it is difficult to imagine, up to this point, what more Civic reasonably could have done to accommodate the concerns of a secondary station. Nonetheless, whatever IBN’s position, Channel 14 remains available to KIBN-LP, and there is no reason why the station should be “forced off the air.”

CONCLUSION

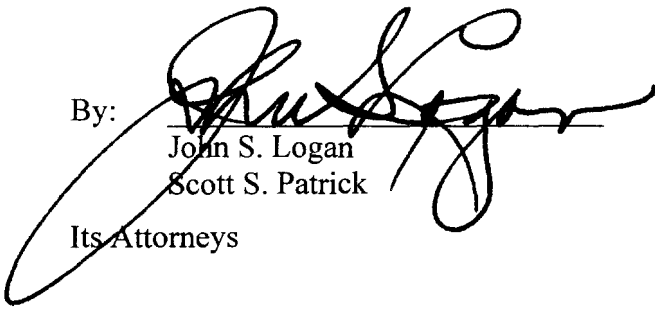
THEREFORE, for the reasons previously set forth in Civic’s previous filings in this proceeding and stated herein, Civic respectfully requests that the Commission promptly adopt the changes proposed in the *Notice* and amend Section 73.622(b) of its Rules to substitute Channel 11 for Channel 43 for use by KTRE-DT at the specified reference point in Lufkin, Texas. Grant of the proposed channel substitution will achieve an efficient use of the broadcast spectrum, expedite the commencement of KTRE-DT’s service to the public, improve signal

²⁹ IBN News Release (released *circa* Oct. 24, 2001) (*attached* as Exhibit B) (*emphasis added*); *see also* Ramonica R. Jones, *Christian TV Station Fighting to Stay on Air*, LUFKIN DAILY NEWS, Oct. 26, 2001, at 1A (*attached* as Exhibit C).

coverage, and, so long as KIBN-LP relocates to the specified replacement channel, preserves programming services.

Respectfully submitted,
CIVIC LICENSE HOLDING CO., INC.

By:



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Dated: November 13, 2001

EXHIBIT A

Technical Exhibit

TECHNICAL STATEMENT
DISPLACEMENT CHANNEL FOR KIBN-LP
LUFKIN, TEXAS

This statement will discuss a suggested displacement television channel for low powered television station (LPTV) KIBN-LP on Channel 11 at Lufkin, Texas. As stated below, Channel 14 could be allocated with facilities that would have a greater predicted coverage area than that presently licensed.¹

At the existing KIBN-LP transmitter site and radiation center, Channel 14 (with a "-" frequency offset) could be authorized with at least a maximum visual peak effective radiated power of 10 kilowatts employing an Andrew ALP-HSW directional antenna with the major lobe orientated at 240° true (toward Lufkin). The protected contour for suggested Channel 14 facility would completely encompass the protected contour of the existing Channel 11 facility as shown on the attached map. Also, the population (2000 Census) residing within the protected contours would increase from the existing Channel 11 38,400 persons to the proposed Channel 14 63,500 persons.

The proposed Channel 14 with the aforementioned facilities would be fully in compliance with the Commission's NTSC allocation criteria.² As for DTV, a Section 74.706 contour overlap waiver to KERA-DT on Channel 14 at Dallas would be required. However, the FCC accepted OET-69 interference calculation procedure indicates no

¹ KIBN-LP is licensed on Channel 11 with a maximum peak visual effective radiated power of 0.113 kW with a Scala directional antenna (parameters obtained from the Commission's CDBS).

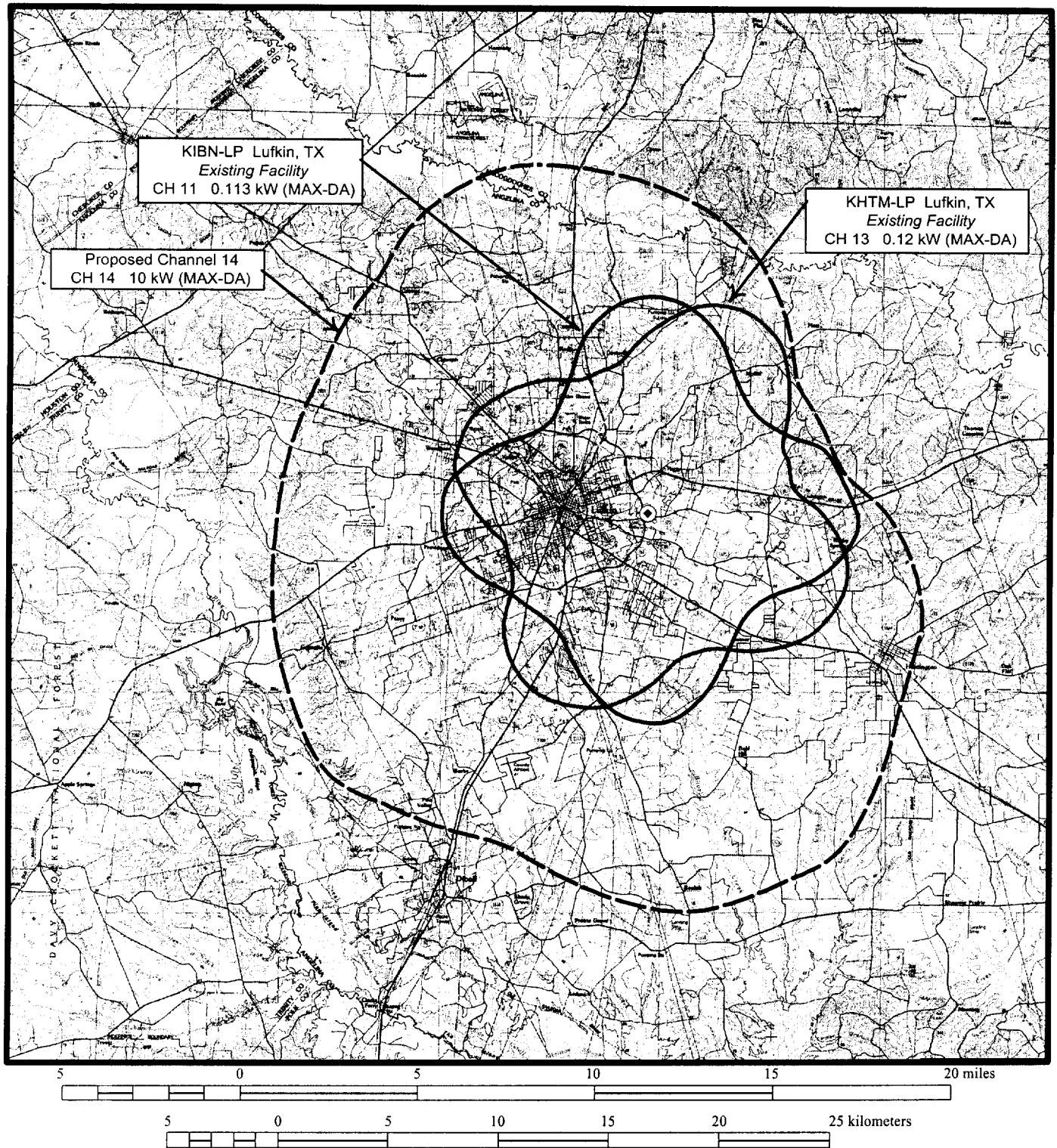
² It is noted that the application for Channel 14 at Tyler (FCC File Number BPCT-19960920LQ) has been dismissed by the Commission and therefore, is no longer an allocation concern.

interference would be actually caused to KERA-DA.
Therefore, KERA-DT will not be an allocation concern.

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November 12, 2001



LPTV PROTECTED COVERAGE CONTOURS

PREPARED FOR
COSMOS BROADCASTING

du Treil, Lundin & Rackley, Inc., Sarasota, Florida

EXHIBIT B

IBN News Release
(released *circa* Oct. 24, 2001)



NEWS RELEASE

For Immediate Publication

CHRISTIAN STATIONS APPEAL FOR HELP TO PROTECT CHANNELS FROM TAKEOVER

International Broadcasting Network president Paul J. Broyles and KTRN station operations coordinator (Dan Thomason) announced today that IBN is under attack by the out-of-state owners of KTRE.

The attack began nearly 18 months ago, when Civic License Holding Company, Inc. filed petitions and applications with the Federal Communications Commission to substitute VHF channels 10 and 11 for the UHF channels it had earlier been assigned for digital television facilities in Lufkin and Tyler. IBN's stations in Lufkin and Longview have long been licensed to broadcast on those channels, and, if the petitions were approved by the FCC, both stations would be forced off the air. IBN believes that a third station, KTWC in Clockett, would be impacted as well.

After filing the petitions, Civic quickly sold KTRE, along with KLTN in Tyler and WLBT in Jackson, Mississippi, to new owners for a price reported to be \$204 million. The three stations are part of a larger group of 15 stations owned and operated by The Liberty Corporation and its subsidiary Cosmos Broadcasting Corporation, both of Greenville, South Carolina. Since purchasing the stations, Liberty and Cosmos have continued an aggressive campaign to obtain the FCC's approval for the channel takeover.

There was no consultation with IBN before the filings were made, and no notice was given to IBN. The matter first came to IBN's attention when a routine check of the FCC's databases revealed that the filings had been made. IBN then made inquiries but received very little cooperation. Repeated attempts to reach Civic's president were unsuccessful, and the presidents of Liberty and Cosmos did not respond to letters sent to them by fax and certified mail.

IBN is appealing for help from everyone in the Lufkin area to defeat the threatened takeover of its channels. "Commercial stations like KTRE exist for the purpose of making money for their owners," said Broyles. "In this case, viewers and advertisers are the key. If KTRE's owners realize that they have much more to lose than they would gain by persisting in their quest to take the channels, they will likely change course."

Broyles acknowledges that IBN is up against a formidable foe with virtually unlimited resources. "IBN cannot match the powerful lawyers, lobbyists and spin doctors that our opponents have," he says. "But neither could David match the physical stature and strength of Goliath. We all know who won that battle."

Thomason agrees. "With the strong backing of the great folks of Lufkin, we'll see a victory," he adds. "There's no doubt about that."

IBN is in its 22nd year as a nonprofit evangelical Christian ministry. In addition to its Lufkin and Longview stations, it operates stations in Livingston, Huntsville, Nacogdoches, Crockett and Kerrville. It also operates an orphanage and school in a remote area of Honduras and engages in various missions projects around the world.

In addition to its national programming from FamilyNet, KIBN airs a variety of local programs. Among them are Lufkin Panther football games, various special events and the worship services of First Baptist Church, First Assembly of God, Harmony Hill Baptist Church, Carpenter's Way Church, Cavalry Baptist Church and Church of the Living God. The station works closely with many other churches and organizations as well.

For further information contact:

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Telephone: 281-774-9922 / 281-774-9923

EXHIBIT C

**Ramonica R. Jones, *Christian TV Station Fighting to Stay on Air*,
LUFKIN DAILY NEWS, Oct. 26, 2001**

Christian TV station fighting to stay on air

By RAMONICA R. JONES
Staff writer

A local Christian television station is asking for the community's help in preventing a Greenville, S.C.-based corporation from "taking over."

Paul Broyles, president of Houston's International Broadcasting Network, and Adam Thomason, station operations coordinator for Lufkin's KIBN-TV, are battling the Liberty Corp. and its subsidiary Greenville's Cosmos Broadcasting Corp., to continue broadcasting from its current spot at Channel 11.

Thomason described the situation as a typical case of "the big guys trying to stomp on the little guys."

In response, Liberty President Jim Keelor accused IBN of "playing the 'woe is me' small operator' card with the public," he said.

An IBN press release stated that the dispute began about 18 months ago after the Civic License Holding Co., Inc., former owner of Lufkin's KTRE-TV, filed applications with the Federal Communications Commission to substitute VHF channels 10 and 11 for the UHF channels it had. See STATION, Page 5A

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erlier been assigned for digital cities in Lufkin and Tyler. IBN's Lufkin and Longview stations are licensed to broadcast on those channels and, if the FCC approves the pending application, both stations would be forced off the air, the press release said.

After Civic filed the applications, the company sold KTRE-TV, Tyler's KLTU-TV and Mississippi-based WLBT-TV to Liberty, which is proceeding with the application. Liberty and Cosmos now own and operate a total of 16 stations.

"I do not feel the FCC is going to rule in their favor," Thomason said.

"Cosmos and Liberty don't care about the community if they did care about the community, they wouldn't do this."

Thomason also said IBN was not notified about the filing and did not become aware of the application until after a routine check of the FCC's databases.

According to Keelor, Liberty has priority over any low-power television stations unless they are Class A low-power stations. He said KIBN did not meet Class A criteria, which includes satisfying

certain technological and engineering requirements.

"Mr. Broyles didn't follow the rules," Keelor said. "He didn't qualify as a Class A operator, therefore, we were able to apply for his channel. We have no interest in interrupting his service or putting him out of business."

Keelor said Liberty offered KIBN the opportunity to operate at an even better frequency, but Broyles would not respond.

"He refuses to respond," Keelor said. "We were going to incur engineering and legal expenses, and he steadfastly refuses to cooperate."

Keelor said Liberty wants to improve digital coverage in the Lufkin area. He said KIBN knew of the application because the station is required to have lawyers that inform them about FCC filings.

He said Liberty made repeated attempts to reach KIBN officials but received no response. He said the last letter was sent Oct. 9.

"I carry a pager and a cell phone," Thomason said, "and of course, we have e-mail. It's gotten to the point where, when we'd send e-mail, it would be blocked (by Liberty)."

Thomason said there has been

nothing in writing as far as Liberty offering another frequency. He said Liberty refused a certified letter from KIBN, and numerous faxes were ignored.

"It's not 'woe is me.' It's just the big guys trying to push out the little guys," Thomason said. "They have very expensive attorneys and try to push the issue into the closet. It's been a closed deal; they're just trying to push this through and they don't want nobody to know what's going on."

Keelor said there are other frequencies available for KIBN to broadcast from, and Liberty is prepared to incur the expense for the station to "find a new home." He said the expense the company is willing to incur is subject to negotiation.

"Rather than send out misleading press releases, sit down and talk with us and let us know how we can help," Keelor said.

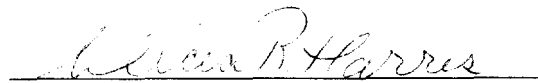
Ramonica R. Jones' e-mail address is rjones@cdmnews.com.

CERTIFICATE OF SERVICE

I, Alicia R. Harris, a secretary at the law firm of Dow, Lohnes & Albertson, do hereby certify that on this 13th day of November, 2001, the foregoing "COMMENTS OF CIVIC LICENSE HOLDING COMPANY, INC." were served via first class mail to the following:

Paul J. Broyles
President
International Broadcasting Network
P.O. Box 691111
Houston, TX 77269

KLNM-LP
Millenium Communications
P.O. Box 532
Etoile, TX 75944

A handwritten signature in cursive script, reading "Alicia R. Harris", is written over a horizontal line.

Alicia R. Harris